

City Council
Atlanta, Georgia

00-0-0683

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-00-33
9-22-00

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **2500 The Fountainbleau S.W. (aka 2510 Fountainbleau Drive, S.W.)** be changed from the **C-1-C (Community Business-Conditional)** District to the **C-1-C (Community Business-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **229** of the **14th** District, Fulton County, Georgia being more particularly described by the attached legal description.

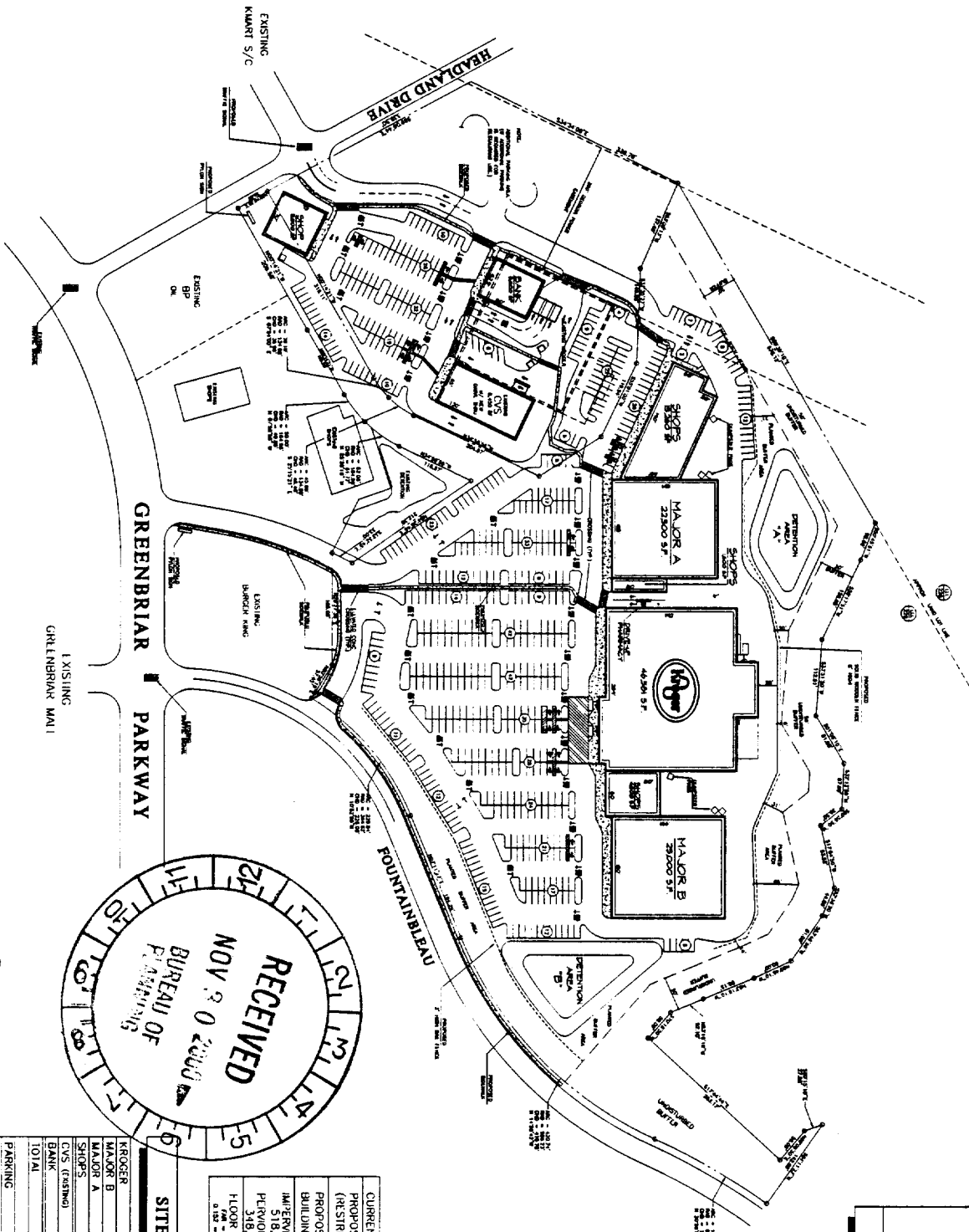
SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

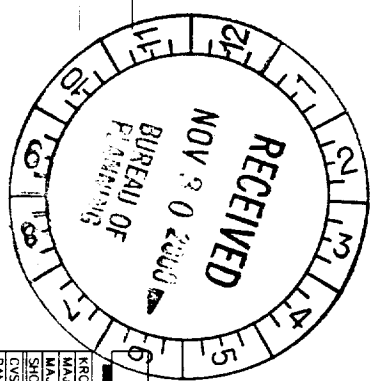
Conditions for Z-00-33

1. Site plan entitled "Preliminary Site Plan, Greenbriar Kroger" prepared by Robertson/Loia/Root, Architects and Engineers, dated November 28, 2000 and marked received by the Bureau of Planning November 30, 2000.
2. New sidewalks shall be a minimum of five-feet in width and shall be planted with trees in a tree planting zone that is a minimum of five-feet in width.
3. Oil separation filters shall be installed on the discharge pipes of all detention ponds that are constructed on the property.
4. The attached letter, identified as "Exhibit A", from Edward Pease, Landstone LLS to Ms. Marva Kenny, Continental Colony Community Association dated October 17, 2000 and marked received by the Bureau of Planning December 7, 2000 is hereby considered a condition of this rezoning and it's provisions shall be enforced as such.



PRELIMINARY SITE PLAN

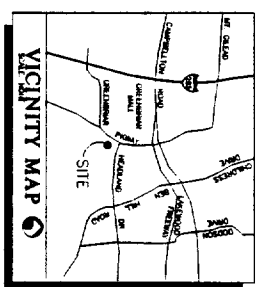
SCALE 1" = 60'



SITE ANALYSIS

CURRENT ZONING: C-1C
PROPOSED ZONING: C-1C
(RESTRICTIONS REVISED)
PROPOSED MAXIMUM
BUILDING HEIGHT - 27' ±
IMPERVIOUS SURFACE PROPOSED
518,100 SF
PREVIOUS SURF. AC. PROPOSED
348,945 SF
FLOOR AREA RATIO = 0.152
100' ± TOTAL LOT AREA = 1,111,111 SF
0.152 = 171,111 SF / 1,111,111 SF

KROGER	46,581 SF
MAJOR B	25,000 SF
MAJOR A	23,500 SF
SHOPS	24,660 SF
CVS (EXISTING)	8,450 SF
BANK	5,000 SF
TOTAL	132,191 SF
PARKING	602 SPACES
PARKING RATIO	4.5 SP/MSF
TOTAL SITE AREA	19,901 ACRES

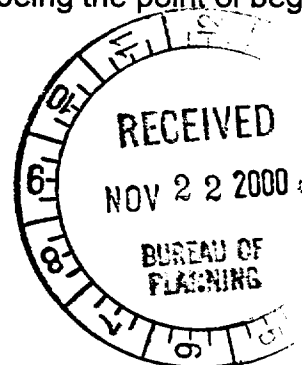


All that tract or parcel of land lying and being in Land Lot 229, of the 14th district of Fulton County, Georgia, and being more particularly described as follows:

Beginning at the northeast corner of the intersection of Greenbriar Parkway (now located with an 80' R/W), and The Fountainbleau, and proceeding along, the northern right-of-way of The Fountainbleau for a distance of 207.5 feet to a point of beginning; thence north $60^{\circ}56'19''$ east for a distance of 57.45 feet to a point; thence north $29^{\circ}27'39''$ east for a distance of 165.00 feet to a point; thence south $33^{\circ}32'45''$ east for a distance of 33.00 feet to a point; thence north $84^{\circ}28'46''$ east for a distance of 212.38 feet to a point; thence north $34^{\circ}56'55''$ west for a distance of 116.57 feet to a point; thence along the arc of a curve having a radius of 184.98 feet, an arc length of 62.06 feet, being subtended by a chord bearing of north $25^{\circ}20'18''$ west for a chord distance of 61.77 feet to a point; thence along the arc of a curve having a radius of 184.98 feet, an arc length of 50.00 feet, being subtended by a chord bearing of north $07^{\circ}58'58''$ west for a chord distance of 49.85 feet to a point; thence north $00^{\circ}14'21''$ west for a distance of 109.53 feet to a point; thence north $00^{\circ}14'21''$ west for a distance of 206.58 feet to a point; thence north $89^{\circ}45'39''$ east for a distance of 50.00 feet to a point; thence south $89^{\circ}08'44''$ east for a distance of 339.50 feet to a point; thence south $34^{\circ}34'08''$ east for a distance of 338.78 feet to a point; thence south $00^{\circ}39'10''$ east for a distance of 578.12 feet to a point; thence south $50^{\circ}45'51''$ west for a distance of 58.69 feet to a point; thence south $55^{\circ}17'51''$ west for a distance of 129.85 feet to a point; thence south $33^{\circ}51'50''$ west for a distance of 112.51 feet to a point; thence south $01^{\circ}06'10''$ east for a distance of 81.00 feet to a point; thence south $32^{\circ}12'50''$ west for a distance of 67.09 feet to a point; thence south $80^{\circ}58'50''$ west for a distance of 39.52 feet to a point; thence south $17^{\circ}04'50''$ west for a distance of 93.52 feet to a point; thence south $52^{\circ}36'50''$ west for a distance of 44.88 feet to a point; thence south $63^{\circ}46'50''$ west for a distance of 81.00 feet to a point; thence north $85^{\circ}45'10''$ west for a distance of 60.00 feet to a point; thence north $83^{\circ}19'10''$ west for a distance of 80.15 feet to a point; thence north $83^{\circ}19'10''$ west for a distance of 52.10 feet to a point; thence south $70^{\circ}18'50''$ west for a distance of 50.00 feet to a point; thence south $17^{\circ}44'44''$ east for a distance of 263.17 feet to a point; thence north $69^{\circ}06'50''$ east for a distance of 56.00 feet to a point; thence south $80^{\circ}15'10''$ east for a distance of 27.98 feet to a point; thence south $64^{\circ}11'22''$ west for a distance of 142.89 feet to a point; thence along the arc of a curve having a radius of 952.63 feet, an arc length of 190.00 feet, being subtended by a chord bearing of north $30^{\circ}26'04''$ west for a chord distance of 189.69 feet to a point; thence along the arc of a curve having a radius of 556.23 feet, an arc length of 420.74 feet, being subtended by a chord bearing of north $14^{\circ}28'42''$ west for a chord distance of 410.78 feet to a point; thence north $07^{\circ}11'27''$ east for a distance of 194.29 feet to a point; thence along the arc of a curve having a radius of 364.62 feet, an arc length of 229.84 feet, being subtended by a chord bearing of north $10^{\circ}52'05''$ west for a chord distance of 226.06 feet to a point; said point being the point of beginning.

Said tract containing 19.90 acres more or less.

2-00-33



Landstone

**Real Estate Development
& Investment Properties**

Ms. Marva Kenny
Continental Colony Community Association
2410 Black Forest Road
Atlanta, GA 30331

RE: KROGER - GREENBRIAR

Dear Ms. Kenny:

Thank you for hosting a neighborhood meeting last week to further review our proposed shopping center in your neighborhood.

I am having our site plan revised to reflect the comments of the last meeting. When the plan is completed I will forward you a copy.

The comments that we have agreed to and have included in the revised plan are as follows:

1. Install an eight (8) foot wooded fence behind the shopping center. This will be reflected on the new plan.
2. Install a split rail fence at the edge of the shopping center parking area along Fontainebleau. The split rail fence is similar to what is required in the City of Roswell for a Village Concept. This will be reflected on the site plan.
3. Install evergreen shrubs along split rail fence.
4. Plant trees in the slope area along Fontainebleau.
5. Leave a fifty (50) foot undisturbed buffer area by lake. This is reflected on the site plan.
6. Add additional planted buffer area between the shopping center and the fifty (50) foot buffer. This will be reflected on the site plan.
7. Reduce the parking ratio from 5 to 1 to 4.25 to 1.
8. The Kroger facade will be similar to the Kroger Holcomb Bridge Road in Fulton County. Please note that the Holcomb Bridge Road prototype is no longer being built by Kroger.
9. The site will be developed per the City of Atlanta tree ordinance.
10. The site will meet or exceed guidelines of the Georgia Department of Natural Resources and the City of Atlanta for erosion control during construction.
11. Current erosion problems along Fontainebleau and behind Taco Bell will be reviewed with neighborhood. Please note that this area is private property and Landstone LLC or The Kroger Company has no right to enter this property without permission.
12. Kroger will provide carts with locking wheels with a written request from the NPU. Ongoing use of this type of cart is subject to Kroger's review.
13. All drives and entries will be per the site.
14. Landlord agrees to restrict uses prohibiting any adult type uses in the shopping center. This would include liquor store (except what would be sold at Kroger or in a drug store), adult book stores, adult video stores, health spas, teens centers, game rooms, nightclubs, bowling centers and pawn shops.

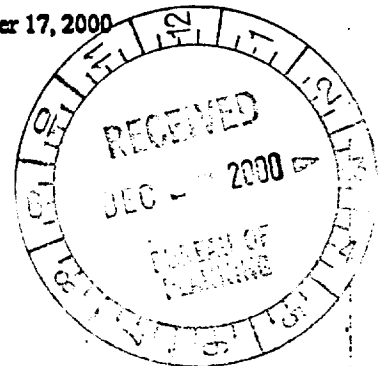
Please let me know if this includes all of the items that we have discussed.

I also wanted to let you know that CVS/pharmacy has decided to remain in their current location for the remainder of their lease term. In order to alter the existing Kroger/CVS shopping center we must have the written permission of CVS/pharmacy. In the event that they will not allow us to alter the existing conditions of the shopping center, we may not include the existing Kroger/CVS shopping center in our plans.

■ CHATTANOOGA • 3804 St. Elmo Avenue, Suite 103 • Chattanooga, TN 37409 • Phone 423.821.7558 • Fax 423.821.7562

■ ATLANTA • 315 Dewpoint Lane • Alpharetta, GA 30022 • Phone 770.662.5995 • Fax 770.409.0252

October 17, 2000

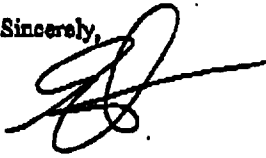


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If you should have any additional questions, please contact me at 770-662-5995.

Sincerely,

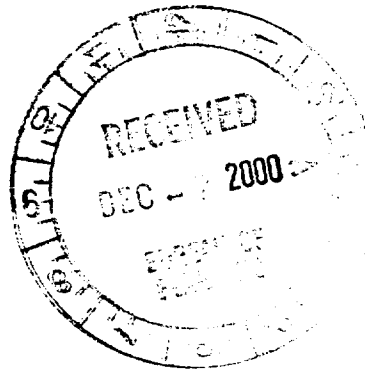


Edward Pease
Landstone LLC

CEP/

Copy: Carl Westmoreland - Powell & Goldstein
Byvonne Johnson - The Kroger Company
Joe Seale - Landstone LLC

Exhibit A



Z-00-33

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